

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/974,659	KUROZUMI ET AL.
	Examiner	Art Unit

Willie Davis

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 7-1103.
2.  The allowed claim(s) is/are 1-10.
3.  The drawings filed on 09 October 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

<input type="checkbox"/> Notice of References Cited (PTO-892)	<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	<input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.
<input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.	<input type="checkbox"/> Examiner's Amendment/Comment
<input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	<input type="checkbox"/> Examiner's Statement of Reasons for Allowance
	<input type="checkbox"/> Other _____.

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## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1-10 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises at least one optical axis adjustment mechanism capable of automatically aligning(not during calibration mode) and maintaining a central position of the photodetector with the central position of the light source and in combination with the other recited limitations of the claim.

Claims 2-5 are allowed by the virtue of dependency on the allowed claim 1.

Regarding claim 6, the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises a mechanism capable of automatically adjusting(not during calibration mode) the central positions of the light source in the photodetector in a state most suitable for measuring by always monitoring the quantity of light antecedent to irradiating a sample and a quantity of light on a photodetector after irradiating a sample and in combination with the other recited limitations of the claim.

Regarding claim 7, the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises an optical axis adjustment mechanism capable of holding control data antecedent to a decrease of a quantity of light when the quantity of light on a photodetector significantly lowered compared with a quantity of light antecedent to irradiating sample by always monitoring the quantity of light antecedent to

irradiating a sample and a quantity of light on a photodetector and in combination with the other recited limitations of the claim.

Regarding claims 8 , the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises monitoring a quantity of light antecedent to irradiating a sample and a quantity of light on the photodetector and in combination with the other recited limitations of the claim.

Regarding claim 9, the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises (1)monitoring a quantity of light antecedent to irradiating the sample and a quantity of light on the photodetector and (2)aligning and maintaining a central position of said photodetector with a central position of the light source with an automatic(not during calibration mode) adjustment mechanism.

Regarding claim 10, the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises at least one optical axis adjustment mechanism capable of automatically(not during calibration mode) aligning and maintaining a central position of the photodetector with a central position of the light source and configured to always monitor a quantity of light antecedent to irradiating the material sample and a quantity of light on the photodetector, wherein the optical axis adjustment mechanism comprises a X-Y optical positioning stage and in combination with the other recited limitations of the claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie Davis whose telephone number is 571-272-2413. The examiner can normally be reached on 9:30am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Willie Davis*

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April 30, 2004

*Frank G. Font*  
Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1-10 are allowed over the prior art of record.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises at least one optical axis adjustment mechanism capable of automatically aligning(not during calibration mode) and maintaining a central position of the photodetector with the central position of the light source and in combination with the other recited limitations of the claim.

Claims 2-5 are allowed by the virtue of dependency on the allowed claim 1.

Regarding claim 6, the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises a mechanism capable of automatically adjusting(not during calibration mode) the central positions of the light source in the photodetector in a state most suitable for measuring by always monitoring the quantity of light antecedent to irradiating a sample and a quantity of light on a photodetector after irradiating a sample and in combination with the other recited limitations of the claim.

Regarding claim 7, the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises an optical axis adjustment mechanism capable of holding control data antecedent to a decrease of a quantity of light when the quantity of light on a photodetector significantly lowered compared with a quantity of light antecedent to irradiating sample by always monitoring the quantity of light antecedent to

irradiating a sample and a quantity of light on a photodetector and in combination with the other recited limitations of the claim.

Regarding claims 8 , the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises monitoring a quantity of light antecedent to irradiating a sample and a quantity of light on the photodetector and in combination with the other recited limitations of the claim.

Regarding claim 9, the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises (1)monitoring a quantity of light antecedent to irradiating the sample and a quantity of light on the photodetector and (2)aligning and maintaining a central position of said photodetector with a central position of the light source with an automatic(not during calibration mode) adjustment mechanism.

Regarding claim 10, the prior art fails to disclose or make obvious a method or apparatus for light scattering particle size distribution measuring that comprises at least one optical axis adjustment mechanism capable of automatically(not during calibration mode) aligning and maintaining a central position of the photodetector with a central position of the light source and configured to always monitor a quantity of light antecedent to irradiating the material sample and a quantity of light on the photodetector, wherein the optical axis adjustment mechanism comprises a X-Y optical positioning stage and in combination with the other recited limitations of the claim.

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